

progress, and the contractor shall provide proper facilities for such access and inspection.

(j) *Accessibility to handicapped.* That, the facility shall be designed to comply with the Federal Accessibility Standard (41 CFR subpart 101-19.6) as modified by other standards prescribed by the Director or the Administrator of General Services. The applicant will be responsible for conducting inspections to insure compliance with these specifications by the contractor.

(k) *Minimum standards of construction and equipment.* That the plans and specifications for the project will conform to the minimum standards of construction and equipment as set forth in § 52b.11 of this part.

[45 FR 12243, Feb. 25, 1980; 45 FR 20096, Mar. 27, 1980]

#### § 52b.9 Acquisition of facilities.

In addition to the other requirements of this part, the following provisions are applicable to the acquisition of existing facilities.

(a) *Minimum standards of construction and equipment.* A determination by the Director that the facility conforms (or upon completion of any necessary construction will conform) to the minimum standards of construction and equipment as set forth in § 52b.11 of this part, shall be obtained before entering into a final or unconditional contract for such acquisition. Where the Director finds that exceptions to or modification of any such minimum standards of construction and equipment would be consistent with the purposes of section 406(b) or section 404(b)(9) of the Act, the Director may authorize such exceptions or modifications;

(b) *Estimated cost of acquisition and remodeling: Suitability of facility.* Each application for a project involving the acquisition of existing facilities shall include in the detailed estimates of the cost of the project, the cost of acquiring such facilities, and any cost of remodeling, renovating or altering such facilities to serve the purposes for which they are acquired. Such application shall demonstrate to the satisfaction of the Director that the architectural, structural and other pertinent features of the facility, as modified by any proposed expansion, remodeling,

renovation, or alteration, will be clearly suitable for the purposes of section 406(b) or section 404(b)(9) of the Act, and, to the extent of the costs in which Federal participation is requested, are not in excess of what is necessary for the services proposed to be provided in such facilities;

(c) *Bona fide sale.* Federal participation in the acquisition of existing facilities is on condition that such acquisition constitutes a bona fide sale involving an actual cost to the applicant and will result in additional or improved facilities for purposes of section 406(b) or section 404(b)(9) of the Act; and

(d) *Facility which has previously received Federal grant.* No grant for the acquisition of a facility which has previously received a Federal grant for construction, acquisition, or equipment shall serve either to reduce or restrict the liability of the applicant or any other transferor or transferee from any obligation of accountability imposed by the Federal Government by reason of such prior grant.

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#### § 52b.10 Additional conditions.

The Director may with respect to any grant award impose additional conditions consistent with these regulations prior to or at the time of any award when in the Director's judgment such conditions are necessary to assure or protect advancement of the approved project, the interests of the National Cancer Program, or the conservation of grant funds.

#### § 52b.11 Minimum standards of construction and equipment.

The standards set forth in this section have been determined by the Director to constitute minimum requirements for construction and equipment, including remodeling, renovation, or alteration of existing buildings, and shall apply to all projects for which Federal assistance is requested under section 406(b) or section 404(b)(9) of the Act. In accordance with 5 U.S.C. 552(a)(1), the publications to which reference is made in this section, unless otherwise indicated, are hereby incorporated by reference and made a part

hereof. These documents are available for inspection at the Department and Regional Offices' Information Centers listed in 45 CFR 5.31 and copies of such documents may be purchased as specified. The Director may for good cause shown approve plans and specifications which contain deviations from the requirements prescribed, if the Director is satisfied that the purposes of such requirements have been fulfilled. In addition to these requirements, it is recognized that each project will have to meet the requirements of State and/or local codes and ordinances relating to construction.

(a) *General.* The structural design, construction, and fire safety provisions of all project facilities shall comply with the standards of the Uniform Building Code (available from International Conference of Building Officials, 5360 South Workman Road, Whittier, CA 90601) or with applicable State or local codes and ordinances, whichever is more restrictive.

(b) *Mechanical.* All installations of fuel burning equipment, steam, heating, air conditioning and ventilation, plumbing and other piping systems, incinerators, and boilers shall comply with the following standards:

(1) Handbook of Fundamentals: American Society of Heating, Refrigerating and Air Conditioning Engineers (ASHRAE), United Engineer Center, 345 East 47th Street, New York, NY 10017.

(2) National Standard Plumbing Code: National Association of Plumbing-Heating-Cooling Contractors, 1016 20th Street NW., Washington, DC 20036.

(3) Standard for Non-Flammable Medical Gas Systems, 1973, NFPA Bulletin No. 56F, National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02110.

(4) Standard for Medical-Surgical Vacuum Systems in Hospitals, Pamphlet P-2.1: Compressed Gas Association (CGA), 500 Fifth Avenue, New York, NY 10036.

(c) *Fire and safety.* The fire-resistant design criteria for the facility will be governed by the criteria necessary for that portion of the facility which is subject to the most severe usage. Remodeled structures shall be upgraded, in total, unless it is feasible to isolate the improved portion of the building

with fire walls and fire doors. Fire-resistant design shall be in accordance with the standards of Life Safety Code, NFPA No. 101, 1973, National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02110.

(d) *Emergency electrical service.* Fire alarm systems and other electrical service shall conform to the standards as specified in Life Safety Code, NFPA No. 101, 1973, National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02110.

(e) *Electrical.* All electrical installations and equipment shall be in accordance with State and local codes and applicable sections of National Electric Code, NFPA Bulletin No. 70, 1971, National Fire Protection Association, 470 Atlantic Avenue Boston, MA 02110.

(f) *Radiation protection.* All areas in which X-ray, gamma-ray, beta-ray producing and similar equipment is located shall be protected from radiation in accordance with the standards which are in the Handbook Reports No. 33 and 34: National Council on Radiation Protection (NCRP), P.O. Box 30175, Washington, DC 20008.

(g) *Earthquake.* All facilities shall be designed and constructed in accordance with the standards specified in the Uniform Building Code, 1973, International Conference of Building Officials, 5360 South Workman Mill Road, Whittier, CA 90601, unless more restrictive State and local codes govern.

(h) *Zoning.* State and local codes shall apply.

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## PART 52c—MINORITY BIOMEDICAL RESEARCH SUPPORT PROGRAM

Sec.

52c.1 Applicability.

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52c.7 Other HHS regulations that apply.

52c.8 Additional conditions.

AUTHORITY: 42 U.S.C. 216, 241(a)(3).

SOURCE: 45 FR 12246, Feb. 25, 1980, unless otherwise noted.